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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES DEAN CLOUD,

Defendant.

Case No. 1:19-cr-2032-SMJ-1

JOINT<sup>1</sup> EMERGENCY MOTION TO  
CONTINUE HEARING AND STATUS  
CONFERENCE

Without Argument

JAMES DEAN CLOUD, by counsel, Lorinda Meier Youngcourt of the Federal Defenders of Eastern Washington and Idaho, moves the Court to continue the hearing and status conference set for Tuesday, June 23, 2020 due to the flare up in COVID-19 cases over the weekend.

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<sup>1</sup> Counsel for the government and Mr. Donovan Cloud all agree with the request to continue the hearing and status conference to a date when the Yakima Courthouse is officially open.

1 Mr. Cloud was initially charged via complaint on June 10, 2020 [ECF No. 1].  
2 The next day, the government indicted Mr. Cloud on two counts. [ECF No. 17]. The  
3 indictment has been twice superseded. [ECF Nos. 59, 132]. After two continuances,  
4 trial in this matter is set for January 19, 2021 [ECF. No. 165].

5 Mr. Cloud filed his Motion to Suppress J.V.'s Tainted Identification on  
6 February 18, 2020 requesting an evidentiary hearing [ECF No. 147] which is set for  
7 tomorrow, June 22, 2020 [ECF No. 170]. Mr. Cloud will be presenting the testimony  
8 of expert witness Cara Laney, Ph.D. who planned on traveling to Yakima,  
9 Washington from Caldwell, Idaho. Due to concerns over the drastic increase in  
10 COVID-19 cases in Yakima County over the past three days Dr. Laney, who has an  
11 underlying health condition which places her at greater risk of death were she to  
12 contract COVID, does not wish to travel to Yakima at this time.

13 According to local Yakima news, 117 new COVID cases and six deaths were  
14 reported yesterday. KIMA, *Yakima County reports 117 new COVID-19 cases on Sunday*,  
15 [https://kimatv.com/news/local/117-new-covid-19-cases-reported-on-sunday-in-](https://kimatv.com/news/local/117-new-covid-19-cases-reported-on-sunday-in-yakima-county)  
16 [yakima-county](https://kimatv.com/news/local/117-new-covid-19-cases-reported-on-sunday-in-yakima-county) (last visited 6/22/2020). According to the Yakima Health District,  
17 local hospitals have no intensive care or non-intensive care beds available despite  
18 having transferred patient out of county. Yakima Herald, *Yakima County hospitals exceed*  
19 *capacity; report critical staffing shortages*,  
20 [https://www.yakimaherald.com/special\\_projects/coronavirus/yakima-county-](https://www.yakimaherald.com/special_projects/coronavirus/yakima-county-hospitals-exceed-capacity-report-critical-staffing-shortages/article_9e24ab98-dd28-)  
21 [hospitals-exceed-capacity-report-critical-staffing-shortages/article\\_9e24ab98-dd28-](https://www.yakimaherald.com/special_projects/coronavirus/yakima-county-hospitals-exceed-capacity-report-critical-staffing-shortages/article_9e24ab98-dd28-)

1 [5bd4-a829-8dce719f251d.html](https://www.yakimaherald.com/special_projects/coronavirus/update-19-inmates-at-yakima-county-jail-test-positive-for-coronavirus/article_21cb4139-2cee-5806-9127-106152214e3b.html) (last visited 6/22/2020). The Yakima County Jail,  
2 where Mr. Cloud is housed, reports 19 inmates are positive for COVID-19 as of last  
3 week. Yakima Herald, *Update: 19 inmates at Yakima County jail test positive for coronavirus*,  
4 [https://www.yakimaherald.com/special\\_projects/coronavirus/update-19-inmates-at-](https://www.yakimaherald.com/special_projects/coronavirus/update-19-inmates-at-yakima-county-jail-test-positive-for-coronavirus/article_21cb4139-2cee-5806-9127-106152214e3b.html)  
5 [yakima-county-jail-test-positive-for-coronavirus/article\\_21cb4139-2cee-5806-9127-](https://www.yakimaherald.com/special_projects/coronavirus/update-19-inmates-at-yakima-county-jail-test-positive-for-coronavirus/article_21cb4139-2cee-5806-9127-106152214e3b.html)  
6 [106152214e3b.html](https://www.yakimaherald.com/special_projects/coronavirus/update-19-inmates-at-yakima-county-jail-test-positive-for-coronavirus/article_21cb4139-2cee-5806-9127-106152214e3b.html) (last visited 6/22/2020).

7 Given the recent flare up on COVID-19 cases in Yakima it would be prudent  
8 to continue the hearing to a date when the Yakima County Courthouse is officially  
9 open. Further, no party will be harmed by the delay in holding the hearing.

10 Dated: June 22, 2020

11 /s/Lorinda Meier Youngcourt  
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15 **Certificate of Service**

16 I certify that on June 22, 2020, I electronically filed the foregoing with the Clerk  
17 of the Court using the CM/ECF System, which will notify all counsel of record.

18 /s/Lorinda Meier Youngcourt  
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